

Meeting of 2000-9-12 Regular Meeting

MINUTES  
REGULAR MEETING  
LAWTON CITY COUNCIL  
SEPTEMBER 12, 2000 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell,      Also Present:  
Presiding      Bill Baker, City Manager  
                 John Vincent, City Attorney  
                 Brenda Smith, City Clerk  
                 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Minister Edwena Redick-Scott, Rivers of Life Family Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT:    G. Wayne Smith, Ward One  
                 James Hanna, Ward Two  
                 Glenn Devine, Ward Three  
                 John Purcell, Ward Four  
                 Robert Shanklin, Ward Five  
Barbara Moeller, Ward Six  
                 Stanley Haywood, Ward Seven  
                 Michael Baxter, Ward Eight

ABSENT:    None.

INVITATION TO INTERNATIONAL FESTIVAL. Baker invited everyone to the International Festival being held later this month.

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO ALBERT JOHNSON

Sheila Alford, Mayor's Commission on the Status of Women, introduced Albert Johnson as Citizen of the Month for September. Mr. Johnson and his wife, Jo, came forward. Alford said Mr. Johnson received this award in 1994 and provided information on his accomplishments since then. Johnson has received the following awards: Oklahoma Educators' Association Friends of Education Award; Federal Black Program Council of Oklahoma Education Unity Award; Comanche County Juvenile Bureau and Citizens Advisory Committee award for educational excellence and selfless contributions toward the betterment of the youth of Comanche County; Judge Lewis presented the Liberty Bell Award at Law USA Day; the Smith Award for leadership, dedication and commitment for serving minority senior citizens. Alford said this summer Johnson involved 51 youth in junior golf under his program for male mentorship, and engaged the elementary students, their families and teachers to be involved in a total program meeting recreational and academic needs. Johnson's motto has been "it's not what you got, not where you come from, but what you do with your life that matters".

Mayor Powell said he had worked with Mr. Johnson and known him since 1958. He commended Mrs. Johnson for her efforts and involvement as well. Awards were presented from U.S. Congressman J.C. Watts, the Oklahoma State Senate, the Oklahoma House of Representatives and the Mayor's Office of Lawton.

Johnson said he was able to do many of the things he was recognized for because of the support and help of his wife. He said Lawton is his home and it has been good to the entire Johnson family, so it was important to be able to do something in return. Johnson expressed appreciation for the award.

PRESENTATION OF PROCLAMATION FOR "GARRETT BARNES DAYS"

Kim Shahan, Assistant Parks & Recreation Director, introduced Garrett Barnes who will be representing Oklahoma at the Goodwill Games in Hawaii in basketball free throws. He explained the competitions Barnes has won to reach this level of competition and commended his ability and efforts. Mayor Powell presented recognition to Barnes and

his father from U.S. Senator Don Nickles, U.S. Congressman J.C. Watts, the Oklahoma State Senate, and the Oklahoma State House of Representatives, and a proclamation from the Mayor's Office for Garrett Barnes Day. Mayor Powell encouraged Barnes to continue to excel in athletic competition and always do his very best.

Baker introduced Angie Alltizer, who is now in charge of the Neighborhood Services Division. He encouraged contact with Alltizer for complaints and requests. Alltizer outlined her background with Fort Sill, DOD, ODEQ, and Tinker Air Force Base, and her education in environmental management, industrial hygiene, and agricultural communication. She may be reached at 581-3467.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 22, 2000 AND SPECIAL MEETING OF SEPTEMBER 5, 2000.

MOVED by Smith, SECOND by Haywood, for approval of the minutes. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Barry Beauchamp, Superintendent of Schools, said he appreciated the City's recognition of Albert Johnson and Garrett Barnes. He said he was involved with United Way in the public employee campaign, and that the City employees increased their contributions by 20% last year. Beauchamp said he wanted to thank the employees for that support and for the support that would be given this year.

Raymond McAlister invited everyone to the International Festival to be held by the Lawton Public Library.

ADDENDUM:

1. Consider adopting an ordinance amending Chapter 19, Lawton City Code, 1995, Section 19-4-411 relating to elk hunting on specified City property and declaring an emergency. Exhibits: Ordinance 00-\_\_\_\_.

Devine said several people had contacted him about this subject and it was his understanding that hunting of elk had taken place for several years without being adequately publicized to give everyone an equal opportunity to participate.

Mayor Powell asked if this had gone before the Lake & Land Commission. Devine said he noticed a committee had been working on it some. The Lake & Land Commission Chairman was recognized.

Frank Hawthorne, Lake & Land Commission Chairman, said the Commission strives to provide good recommendations that allow equal access to the facilities. He suggested the relationship between the Commission and the City Council be redefined and stated the Lawton Water Authority is involved also. Hawthorne said the Commission's by-laws were approved by the Council in 1991 and since he has been on the Commission for three years, there have been many instances where they were cut out by people going directly to Council and not being referred to the Commission for a recommendation. He said they would accept Council's decision without a question in his mind.

Hawthorne said he appointed an ad hoc committee and served as a non-voting member; the committee met three times and Councilman Shanklin is a member. The committee has completed 40% of the review of Chapter 19, which covers all forms of recreation requiring a great deal of time to review. The ad hoc committee's recommendation will be presented to the Lake & Land Commission, Lawton Water Authority and City Council.

Hawthorne said he received word of this item when he went to Planning to get a map of the lake area and Bob Bigham mentioned it in passing and provided him a copy. He said the map was needed to be able to see where they could set up a location for emergency evacuation at this area of the lake property, 1200 acres on the west side of Lake Lawtonka, in case of injuries sustained by hunters. Hawthorne said he was not told about the item before Bigham mentioned it and certainly the entire Commission was not told of it or asked for any input. He said the proposal needs to be studied carefully and that no one has looked at it thoroughly; definite procedures are needed.

Hawthorne said there has been no evidence showing any partiality as far as the City employees are concerned. He said he had found, as chairman of the commission and serving on it for three years, a sad lack on the part of everyone concerned to establish regulations and provide guidance to the lake superintendent and those who are responsible for the operation of two of the finest lakes in Oklahoma. Hawthorne said a cooperative effort is needed, rather than individual efforts. He said the Commission wants to serve by providing background information Council needs to be able to make the right decision on anything involving the lakes and lands, but they cannot do that if they are cut out of the net. Hawthorne said if they are going to continue to be cut out of the net and not be allowed to participate or give information that could be used, he would suggest the Mayor abolish the Commission and turn it over to the City Council.

Devine said that was one of the main reasons he wanted to bring this forward because like Hawthorne said he was not even aware there was an elk hunt going on at the lake. He said he did not want to step on any toes and was not intending to do that in any way by doing this; there have been 22 permits issued and it was not a random drawing. Devine said he was trying to have a basic ordinance to make it fair for everyone, and he would be happy to work with Hawthorne, or Shanklin can do so, but he wanted it to be fair to everyone. He said some control is needed for this particular hunt so we can get started.

Hawthorne said he agreed with what was trying to be done but not with the approach. He said the last elk hunt was in 1997 and permits were issued by the superintendent who did not have the guidance he needed. Hawthorne said you cannot make a radical change on elk hunting by one decision, elk hunting can be a very expensive sport, and equal opportunity is needed for those who want to participate. He said in the interim, it can go through the committee.

Baxter said he understood Hawthorne to say the Commission knew elk hunting took place since 1991 and the last one was in 1997 so the Commission knew for nine years but did not fix it so he felt the Council was being stonewalled to an extent. He said someone took the time to draw up the new ordinance to make this work, and if it needs to be changed next year, it can be changed. Baxter said one paper shows where two more permits were given away than were intended, and he did not think that could be changed for this year's hunt. He said nine years of doing nothing is not working and he was tired of waiting on everyone else.

Shanklin asked who Baxter was referring to as the "we" who sold or gave out the permits. Baxter said "we" would be Bobby Benoit and he was giving them and hoped he was not selling them. Shanklin asked if Baker had anything to say about two of them. Baker said we received a request from an elk association that wanted the City to donate two permits so they could have them for a banquet and auction one and use the other for a door prize. Baker said he replied we could not give them anything but if they requested it, it was on a first come first serve basis and if they requested, we would reserve two for them, and that is what occurred and they did get two. Baker said Mr. Benoit has been issuing permits for this year and basically he has done the same thing that has been done in the past, there has not been from what he could gather, any clear cut written procedures or policies and it has been discovered that it was not a fair and equitable way of doing it. Baker said Devine came to him and the Assistant City Manager asking that this be put on the agenda because it was felt there was some urgency if we were going to react to this year's hunts in October and December. Baker said he was remiss in not telling Devine that properly this should go to the Lake & Land Commission and it did not go to them and he admitted that was the proper procedure and apologized in that regard.

Shanklin said another question was whether or not there were any elk in the area and he did not see how you could have an elk hunt unless you knew there was a chance of someone being able to shoot an elk. He said the hunters should also be assigned to a certain area. Shanklin said his motion would be for this ordinance to be tabled and sent to Lake & Land Commission for the people to present what they want to do with a lot of input and find out whether or not an elk hunt should be held this year. He said the Council does not want to take up the Lake & Land Commission's business in depth and it would take extra hours to handle properly.

MOVED by Shanklin, SECOND by Smith, to table this, give them an opportunity to study Mr. Devine's ordinance and bring it back through the proper channels.

Devine asked to comment and Smith temporarily withdrew his second. Devine asked the City Attorney to provide input. Vincent said the State of Oklahoma establishes whether or not there will be elk hunting in a given county, and the Oklahoma Hunting Guide is published each spring with that information. Three counties were established for elk hunting on private land, and those were Caddo, Comanche and Kiowa. Once the State has determined there will be elk hunting, there must be a permission slip from the land owner and that is all the City issued. Shanklin said he thought this would be public land. Vincent said it is considered private land as far as the State is concerned on hunting, and the State issues the elk tag and a cost is involved for the tag.

Purcell said he agreed with Shanklin; it is too late to do anything about the October hunt because the permission has already been given. He asked if a recommendation could be provided in two or three weeks so something could be done for an ordinance to cover the December hunt. Hawthorne said an organized hunt cannot be planned in two or three days, and the material in the ordinance could probably be used, but a survey of the area is needed, as well as assigning each hunter a section and determining whether it would be bow and arrow or black powder or shotgun, then a drawing would be needed, it should be publicized to allow wider participation, and the hunters would have to attend safety classes.

Devine said Hawthorne is wanting to organize this but there are no ground rules whatsoever for the hunters and 22 people with permits will be turned lose out there with no regulations. He said the hunts do not happen every year, it is once every third year, and the next item sets up guidelines for a random drawing. Devine said it would be set up where those who have the permits can hunt in October and we are not asking to cancel any permits for the October hunt; if the ordinance is passed, the guidelines can be set up to have the December hunt by random drawing so ten more people could have an opportunity to hunt and not the same ones that are hunting in October,

they would not get both seasons. He agreed with Hawthorne that a lot of work is needed, but something is needed now to be fair to the people because this has been going on for several years. Devine said several businessmen and other people had come to him asking why this was not publicized. He said he had been hunting on City property in the past and watched elk walk by him but did not know he could get a permit to hunt elk, and he wanted to get something started. Devine said if they were going to go by Hawthorne's recommendation that it is not going to be safe, they should cancel all of the hunting permits and not allow it this year, and it is not safe to double up and turn all of them out at once.

MOVED by Devine, SECOND by Baxter, to pass this ordinance.

Mayor Powell said Shanklin had a substitute motion for this to go to Lake & Land Commission. Smith said he would make a comment and then second Shanklin's motion. Smith said both things can be accomplished tonight, Council can take necessary action about the hunt for this year, such as allow the October hunt to proceed and do a drawing for the December hunt. Smith said it needs to go back to the Lake & Land Commission to be incorporated into the Chapter 19 revision recommendations. Smith said with those comments, he would second Shanklin's motion. Shanklin asked to speak and the Mayor asked for roll call, noting the motion to be voted on was to table. Smith withdrew his second to Shanklin's motion. Shanklin said the ordinance provides that recipients of elk hunting permits will be residents of the City of Lawton and asked if we really intended to be that discriminatory. Shanklin said there may be a lot of flaws in it that should not be there so it should go to Lake & Land.

Purcell suggested a motion to send it to Lakes & Land and direct the City Manager, for the December hunt, to have a publicized, random drawing.

Baxter asked if permission had not already been issued for December hunting. Baker said yes, permission has been issued for the October and December hunts so if Council wanted to provide more opportunity for other citizens, he assumed the permissions could be withdrawn for the December hunt. Devine said the biggest percentage of the hunters are the same names so it should not be hard to have everyone hunt in October but none of them be able to hunt in December at all. Vincent said the Code states "that upon obtaining written, express permission from the City's wildlife conservationist and a proper valid elk tag" so Council can issue direction to staff as appropriate.

SUBSTITUTE MOTION by Smith, to table these two items, send them back to the Lake & Land Commission for their review and inclusion in Chapter 19 and that we instruct staff to hold the October hunt as is, and do a random drawing for the December hunt.

Mayor Powell asked about those already named for the December hunt. Response was those would be canceled and a random drawing would be held.

SECOND by Purcell to Smith's Substitute Motion shown above. Mayor Powell said the motion is to table, go back to Lake & Land and those named in the October hunt will hunt, and those in the December hunt will not but there will be a random drawing for that. He asked if that was correct. Smith said yes. Devine said there is an exception; of these two, there are four people that are not in October and are only in December so those people should be moved from December to October. Devine said as an example, the Rocky Mountain Elk Foundation was issued two permits per the letter and asked if that was four people or two people for two hunting seasons. Baker's response was inaudible. Devine said it should not be a problem; two other people are in December but not October so those two people should be moved back to October and he did not want to push anyone out of a hunting season.

Michael Jackson was recognized to speak. He said the Rocky Mountain Elk Foundation got two permits from the City, gave one as a door prize and held an auction for the other, which he purchased through the auction for his son. Jackson said two were given and they were told they could hunt either in October or December, so the four people were really two people that could hunt in either season. He said he planned to hunt in October but the other individual may want to hunt in December. Jackson said it seemed the Lake & Land Commission was the way to go and apparently this had slipped by everyone for years and years, and to have bureaucratic intervention without considering how it may affect others was not good. He said he purchased it at auction, and if a hunt were closed, he could get burned. Jackson said rules needed to be set to prevent a person from handing out permits to his friends, but to cut it off right here for a certain hunt instead of studying it and sending it through the proper channels may not be the best way to do it. Mayor Powell said no one will be cut out.

Devine said the tags are not transferrable. Jackson said he was told they could hunt in either October or December with either bow or black powder, either cow or bull, which the state regulates, and he purchased that for his son to hunt as opposed to going to Colorado, which would have been a much bigger expense. Jackson said he did that in good faith that everything was legitimate through the City channels. Mayor Powell said it is legitimate and everything is okay. Mayor Powell said no one is being eliminated. Jackson asked if he would have asked to hunt in December instead of October, would he have been eliminated. Baxter said he would have been moved to October. Devine said everyone on the December list will be moved back to October; no one will be missed. Jackson asked if the ten people in December would hunt with the ten people in October, for a total of 20 hunters. Devine said we had 12 in December already. Jackson asked if there were two redundant names for both October and December.

Response was most of them were the same.

Baxter asked Hawthorne if the Lake & Land Commission can bring this back before the latter part of November. Hawthorne said they would meet on the first Wednesday of next month. Hawthorne asked how many people would be hunting in October and response was 12. Hawthorne said you should have 500 acres per hunter and there may be too many hunters. Devine said he had paid Hawthorne to hunt on his land before and he did not have 500 acres to himself.

Mayor Powell said there is a motion on the floor and no one will be eliminated. He asked for a roll call on Smith's substitute motion, second by Purcell, to table.

VOTE ON SUBSTITUTE MOTION BY SMITH, SECOND BY PURCELL: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. SUBSTITUTE MOTION CARRIED.

2. Consider adopting Council Policy 9-2, Permission to Hunt Elk on City Land, regarding the procedure for granting permission to hunt elk on specified City of Lawton property. Exhibits: Council Policy 9-2.

Mayor Powell said this item is eliminated due to action on Item 1.

ADDENDUM:

1. Consider a request from the Oklahoma Centennial Commission for grant writing expenses for the National Army Museum of the Southwest. Exhibits: Letter from Mr. J. Blake Wade, Executive Director of the Oklahoma Centennial Commission.

Mayor Powell said a letter was received and asked for comments.

Purcell said he talked to one very influential gentleman today about this particular issue, and he is working hard to get the museum and Purcell supported it 100%. He said when Council voted to take \$250,000 out of 2000 CIP there was some concern; that \$250,000 was to send a message to the Governor that he might come up with the \$15 million that was needed at the time to build the museum. Purcell said that did not happen and between the Governor and the Legislature they have come up with \$3.7 million. He said with the exception of two people in town, who are influential, everyone else that has contacted him was not happy they did the \$250,000. Purcell said he still thought it was needed and that it fit under economic development, and if we get the museum and need to pay it, that is fine. He said he had a problem taking \$50,000 out of that \$250,000 to hire a grant writer; it seems we will give \$50,000 of citizen CIP money to the Centennial Commission to hire this person. Purcell said a week or two ago there was an announcement that they had hired this person and the name was in the paper so they must have had money to hire the person, and Council is now being asked to use \$50,000 of the \$250,000. He said he personally had a problem with that and did not think he could support it.

Mayor Powell said he had talked with the same person Purcell was referring to, and Blake Wade, who is head of the Centennial Commission, met with a few people in Lawton and talked about the grant writer. He said the letter states there is an opportunity for \$11 million but they are actually going after \$25 million, and they have talked to this grant writer to solicit money throughout the nation from foundations to seek the funding for the museum, and the money is not on hand now. Mayor Powell said they do not have money on hand right now and Wade has requested \$50,000 to seek \$11 to \$25 million for the museum.

Shanklin asked where this grant writer came from and who hired her. Mayor Powell said it is the centennial group, Chairman Blake Wade.

Baxter said when the \$250,000 deal happened he was one of the few on the Council that did not vote for it. He said he could not do anything about it and the \$250,000 was awarded to whomever to help bring the National Army Museum to Fort Sill, that has already been done and it does not matter how those people choose to spend the money; we gave them \$250,000 and if they want to spend \$50,000 on a grant writer, they can do so.

Purcell said we have not given them \$250,000, and if you will check the records, we said we would give \$250,000; there has to be an agreement on what they are going to spend it on. He said there was a motion at the time to spend the \$250,000 to build the museum; there is no agreement, we have not given them the money. Purcell said he was not even sure we have \$250,000 in the CIP account for the \$1.2 million because the \$1.2 million we were going to use \$250,000 of comes in over a five year period, although it could be taken from somewhere else and moved in there, but we have not given them that money and we were not going to quote give them the cash until it was time to build the museum, and now this proposal giving them the \$50,000 in cash immediately.

Baxter said he did not believe the word "build" was used in the previous statements, and believed the language that was used a few months ago when they talked about the \$250,000 was to help bring in the museum. Purcell said they could check the record to find out what was said. Shanklin said the record should be checked and asked

Vincent if he remembered. Vincent said his recollection was that we would not fund the money until the museum was funded and then we would contribute \$250,000 to the funding. Mayor Powell suggested it be tabled until research can be done to find out what was said.

MOVED by Baxter, SECOND by Shanklin, to table the item. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. OUT: Devine. MOTION CARRIED.

2. Consider authorizing the release of water from Lake Ellsworth into East Cache Creek and withdrawal of raw water from Lakes Lawtonka and Ellsworth. Exhibits: None.

Mayor Powell said he received a call from farmers below the lake and the water in the creek is very stagnant and they are in jeopardy of losing their animals by drinking this water. He said it is a matter of flushing out the creek and being a good neighbor.

Jerry Ihler, Public Works Director, said current lake levels are Ellsworth is down 2.49 feet, Lawtonka is down 4.48 feet; pumping policy states that when Lawtonka gets down to 4.55 feet, water is pumped from Ellsworth to Lawtonka, and pumps will likely be turned on by the end of the week. Water can be released down Cache Creek by opening the gates at Lake Ellsworth; another location downstream is a surge tank with a check valve we can operate and release water directly into East Cache Creek through a 42" or 48" out fall pipe and we can open the valve to allow water to flow into the creek without affecting the work that is going on at the dam.

Baxter asked how long the valve would have to be left open to flush out the creek. Ihler said if it was opened as wide as possible, 130 to 140 million gallons a day could go out and he would not recommend that. Ihler said the City provides 455,000 gallons a day from Lake Lawtonka through an agreement with Fort Sill in a release arrangement, and a similar amount could be released from Ellsworth and be measured because the valve would be opened a small amount and estimate the quantity being released. Ihler said the area could be flushed in three to five days in that manner, and the amount of water released in relation to the amount of water available is a small amount; 50 million gallons a day is lost during the heat of the summer to evaporation. Ihler suggested cracking the valve a small amount, releasing water and monitor it for a week, and if there are any problems, we can report back and stop if needed.

MOVED by Baxter, SECOND by Shanklin, to open the valve and release approximately 400,000 gallons of water for a period of five days.

Mayor Powell asked if the valve was working adequately and if it can be closed once it is open. Ihler said the last time it was operated it worked fine.

Mayor Powell said if we get rain, we should use good judgment and close the valve down, but monitor it daily and once the creek is flushed, close it down.

Purcell asked how much the lake level would drop as a result of releasing the water. Ihler said it would not be noticeable; the lake is dropping about three hundredths of a foot a day with the evaporation.

Moeller asked if they were also talking about opening the gates at Lawtonka. Ihler said when the first call came in it was to open the gates at Ellsworth but a construction contractor is doing work on the spillway; the contractor was told the gates would not be opened unless there was a major storm because it would cause him to not be able to complete his work.

Smith said he would support this 100% because he believed we must be good neighbors but he would be remiss in not reminding residents that the lawsuit the City lost involving some of the downstream folks, there were several people who lived down there that laughed and to the media said they could not wait until the next rain where they could come and get some of that money. He said he would hope that our neighbors to the south remember that and also think in a like charitable manner. Shanklin reviewed water already going down Cache Creek.

Baker asked that consideration be given to withdrawing water from both lakes for those who do not live along Cache Creek. Mayor Powell asked the price for that water. Baker said the only other raw water customer pays seventy-five cents per thousand, and that could be done possibly for the next 30 days. Mayor Powell asked if that could be included in the motion. Baxter said he would include in the motion that they can withdraw raw water.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance amending various sections of Chapter 18, Zoning Regulations, Lawton City Code, 1995, as recommended by the Building Codes Task Force. Exhibits: Ordinance 00-

30; Matrix of Amendments; CPC Minutes of 5/25, 6/8 and 8/10/00; Task Force List of Recommended Amendments.

Bob Bigham, City Planner, said this item is the result of many months of preparation by the Mayor's Task Force in recommending changes to Chapter 18. Work began in April 1999, the Task Force has held 15 meetings, and it has been before the Planning Commission twice. He said he now felt all parties were agreeable to the proposed ordinance, which deals with about half of the zoning regulations chapter. Bigham said staff had prepared a lengthy matrix to show the 39 changes proposed in this ordinance.

Smith said a great deal of time was spent on this and he was surprised so few changes were recommended. He said he had reservations going into the task force and that was why he asked the Mayor to put him on it; the work done was extensive and it streamlines the regulations.

MOVED by Smith, SECOND by Shanklin, to approve Ordinance 00-30, waive reading of the ordinance, read the title only.

PUBLIC HEARING OPENED.

Nick Richards, Chairman of the Mayor's Task Force, said he appreciated being able to have the task force and that large accomplishments were made in streamlining the Code. He said they have reached the first half of the Code, and were up to 18-803 so there is another half to go. Richards said he felt they had offered some good suggestions and would appreciate passage.

Mayor Powell thanked the task force and Councilmembers Smith, Devine, Shanklin and former Councilmember Beller, for also serving on it. He said he attended some of the meetings and intentionally did not attend many as he did not want to interfere with the work being done, and he wanted it to be the decision of the group. He said Bigham and Tucker attended the meetings, Baker attended some meetings, and a meeting was later held in his office to cover every point to be sure everyone was on the same page.

Moeller said many housing additions are backing up to four lane highways, and she was told residents could put up fences for privacy or sound abatement up to ten feet. She asked if that is allowed under the proposed ordinance. Bigham said subdivision regulations in Chapter 21 provide for screening at the rear of the property located on arterial streets; the zoning code under open space allows fences to be placed up to eight feet, instead of seven as shown in the previous code, and when there is unusual topography, the fence can be up to ten feet but it is not automatic. Moeller said people need to know they can put up a ten foot fence under those conditions. Bigham said if there is a need for a fence in excess of eight feet, or the ten foot rules, whichever may apply, they can go to the Planning Commission to get approval for a higher fence for privacy or security.

(Title read by Clerk) Ordinance 00-30

An ordinance relating to zoning amending the following sections of Chapter 18, Lawton City Code, 1995: Section 18-104 amending provisions of Chapter declared to be minimum requirements; Section 18-106 (as amended by Ordinance Nos. 95-52, 96-14 and 99-13) amending the definition of bed and breakfast establishment; Section 18-404.1 (as amended by Ordinance No. 98-03) amending the maximum height of fences outside any side or rear building limit line to eight (8) feet; Section 18-409 deleting the penalty for failure to obtain a certificate of zoning compliance; Section 18-548 amending the maximum number of guest rooms for bed and breakfast establishments; Section 18-578.5 amending the landscaping requirements for parking areas in professional and office districts; Section 18-580 (as amended by Ordinance No. 97-10) adding oil change shop as a permitted use in C-1 Local Commercial Districts; Section 18-581 (as amended by Ordinance Nos. 97-10 and 97-18) adding as a use permitted on review uses not listed in other districts which are similar to uses permitted on review in C-1 Local Commercial Districts; Section 18-601 (as amended by Ordinance No. 95-20) deleting trading stamp store as a permitted use in a C-3 Planned Community Shopping Center District; Section 18-611 (as amended by Ordinance No. 95-20) deleting bathhouse as a permitted use in C-4 Tourist Commercial District; Sections 18-623 (as amended by Ordinance Nos. 95-20), 18-624, 18-625, 18-646, 18-655, 18-671, 18-678, 18-688 and 18-807 amending the height requirement for screening; Sections 18-634 and 18-640 adding the project number of the Downtown Urban Renewal Plan; Section 18-637 amending the front yard setback in the Central Business District; Section 18-649 amending side yard requirements in I-1 Restricted Manufacturing and Warehouse District; Section 18-652 amending lot coverage in I-1 Restricted Manufacturing and Warehouse District; Section 18-653 amending landscaping requirements in I-1 Restricted Manufacturing and Warehouse District; Section 18-654 deleting height restrictions in I-1 Restricted Manufacturing and Warehouse District; Section 18-677 amending the language from dwelling district to residential district; Section 18-802 (as amended by Ordinance Nos. 95-37 and 99-13) deleting the requirements for location of parking and loading facilities in the downtown area, allowing parking and loading in the street right-of-way in the downtown area, and amending landscaping requirements for parking areas in the downtown area and industrial districts; Section 18-805 deleting the requirement for off-street parking and loading facilities in the downtown area; and Section 18-806 (as amended by Ordinance 99-13) amending location of off-street parking facilities; and repealing Section 18-639 floor area and height restrictions in the Central Business District, reserving the section number for future use; providing for renumbering; and providing for severability.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None.

MOTION CARRIED.

2. Discuss and take appropriate action to start the process of being able to re-open the 9th Street railroad crossing. Exhibits: None.

Shanklin said he felt a mistake was made five or six years ago when this came about and he fought it unsuccessfully. He said 11th and F is the second worst intersection as far as accidents, and 38th and Gore is number one. Shanklin said it would be nice to open 9th Street and see how much traffic that would take off of 11th Street, and he thought it would take a tremendous load off; otherwise, a large amount of money will be needed to construct a turning bay and other improvements at 11th and F.

Baxter said he agreed with Shanklin's comments and there are a lot of accidents at 11th and F, so opening 9th Street could take some pressure off of this intersection. He said opening 9th Street may be less expensive than reconfiguring the 11th and F intersection.

Mayor Powell said he brought this up at a quarterly meeting with ODOT and got a good reception but very expensive news. He said the railroad company had upgraded crossings at their expense so if the City wanted one re-opened, it would have to share in the expenses, but it can be related in whatever response the City may receive.

Purcell said he was not opposed to this and the Council could go as a group to the necessary agency, but this was requested once and basically got turned down so hopefully it will succeed this time. Shanklin said it was not turned down and a process was being sought through Ron Kirby, but the sad part is that the railroad companies are responsible for their crossings to begin with so we did not really get anything.

Devine said if 9th Street is opened it would take mainly the traffic that is southbound. He suggested if this is being done, 15th Street should also be considered for opening to allow more traffic in both directions. Devine said he would support 9th Street and would be glad to just get one open.

Mayor Powell asked what action is appropriate. Shanklin said the action would be to direct the City Manager and the Mayor to write this letter to pursue the commentary that will take place with the Corporation Commission. Mayor Powell said the direction is received and that would be done.

3. Consider approving funding to make necessary improvements to the kitchen of the Patterson Recreation Center, providing compliance to the City Code and allowing for the installation of a new stove. Exhibits: Cost summary of stove and kitchen improvements.

Gary Salva, Parks & Recreation Director, said Council approved purchase of a new stove not to exceed \$4,000 for Patterson Center; the cost of the stove is less than \$2,000 and the additional funding was to be for installation costs and bringing in a new gas line. He said the stove has not been purchased, staff found improvements were needed to the kitchen to allow for any type of stove; a new venting and exhaust system is required with a fire suppression system. Additional cost is \$5,487.47 for the project. Salva said the nutrition site cannot operate without the improvements required by code. He said the funds were not budgeted; Building Maintenance, which oversees 34 public buildings, budgeted \$20,000 for all items and this would take about one-fourth of the total for all buildings. Salva said the request is to approve the additional expense and decide the funding source.

Baxter said the electric stove has been used for 25 years in Patterson Center but now a huge, commercial stove is needed which will require an additional \$5,500 to install. He asked if that was the case. Salva said yes, the kitchen was leased to the County for the nutrition program which is responsible for all maintenance and repair of equipment in the kitchen, so it is really their responsibility to maintain the kitchen. Salva said they have stated they are not financially able to make this improvement of the new stove or the renovation needed for the building.

Haywood said the intention was to put in a new stove at a cost of \$2,800, then found it would be \$3,600, but the kitchen is out of compliance regardless of what kind of stove is put in. He said they have had several stoves over the past 25 years, but because of the use, a good stove is needed and Mrs. Owens asked that a gas stove be installed. Haywood said things were not done to standard over the years and that is causing the price to be higher.

Baxter asked if improvements are still needed if an electric stove is installed. Salva said yes, it would still require the commercial hood and exhaust system. Baxter said it was not commercial for 25 years and Salva said we were not in compliance then.

Purcell asked if an electric stove could be put back in and save the cost of running the gas line, and can the cost be paid through CDBG. Salva said the cost for a commercial electric stove would be higher because a new electrical panel and system would be required to handle the load from a commercial stove so it is actually cheaper to bring in a new gas line than to go back to a commercial electric stove. Salva said he had not asked Pondrom about using CDBG funds.



Mayor Powell said what is being run into here is what business owners have to comply with all the time and this is just another case, you have to comply. He said whether you like it or not, you have to put it in and then pay for the people to come by and inspect it every six months and pay those fees as well.

Baxter said the funding source shows Building Maintenance Activity 80, and asked if there is \$5,500 in the account. Baker said there is about \$20,000 in the account and this would represent 20% of their budget. Baker said we might take an IOU if we need to do that, and the City has got to go by its own codes if it expects others to do so. Purcell asked if CDBG funds can be used and Baker said he would check with Pondrom. Haywood said the stove is needed and the people have been waiting. Purcell suggested taking it from CDBG, or if that is not possible, give them an IOU.

MOVED by Devine, SECOND by Baxter, to accept this and find the appropriate funding, if we can get it from CDBG that is fine, and if not, wherever it needs to come from.

Haywood suggested it be taken from Activity 80 if needed and Devine said he would add that to the motion. Shanklin asked the cost for the hood. Salva said the hood and exhaust system will be \$5,700.

VOTE ON MOTION AS AMENDED: AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

4. Brief Council on investigation involving embezzlement by employee. Exhibits: None.

Mayor Powell said he had been asked to strike this item from the agenda.

5. Consider amending Council Policy No. 8-1 "Engineering and Architectural Selection Process" dated January 9, 1996. Exhibits: Amended Council Policy No. 8-1.

MOVED by Smith, SECOND by Baxter, to amend Council Policy No. 8-1 to comply with State Statute. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

6. Consider approval of a Mutual Assistance Agreement between the City of Lawton and the City of Snyder, Oklahoma. Exhibits: Agreement.

Don Barrington, Fire Chief, said Snyder requested this agreement which gives the legal ability to respond in times of disaster. He said these instruments came about as a result of the bombing in Oklahoma City and tornadoes; when FEMA comes and applications are made to receive federal assistance, the agencies are asked if these agreements are in place. Barrington said it makes it much easier to receive federal assistance if such documents have been prepared.

MOVED by Smith, SECOND by Moeller, to approve the agreement with Snyder and authorize execution of the agreement.

Shanklin asked if Snyder has an agreement with Altus. Barrington said he did not know and he hoped to have an agreement with Altus also. Shanklin asked what constitutes a disaster. Barrington said it could be a tornado hitting either town or any catastrophic occurrence.

Hanna asked what would be done if a tornado hit Lawton and Snyder both. Barrington said in that case Lawton would not be able to respond to Snyder.

Purcell asked if we were prohibited from having something in the agreement to recover costs from Snyder, or if Snyder could recover funds from Lawton if Lawton requests assistance from Snyder. Vincent said the statutes provide that each entity cover its own costs and reimbursement is not provided for. Shanklin asked if federal assistance is provided, it is shared between the agencies. Vincent said no, if federal funds are received, it stays with the agency that receives it. Vincent said some agencies did not receive reimbursement during the Oklahoma City tornado because no mutual assistance agreements were in place.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

7. Consider accepting a Temporary Utility Easement, Permanent Utility Easement and Warranty Deed from Republic Paper Company in Lawton Industrial Park for the extension of Neal Boulevard. Exhibits: None.

Vincent said we are working with an economic development prospect that would be located in the vicinity of Republic Paper Company. He said Republic has been kind enough to donate a temporary utility easement, permanent utility easement for construction of the sewer line, and a 800' x 100' parcel of land for the extension of Neal Boulevard.

MOVED by Shanklin, SECOND by Smith, to accept the temporary utility easement, permanent utility easement and

warranty deed from Republic Paper Company in the Lawton Industrial Park for the extension of Neal Boulevard. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

8. Consider awarding a construction contract for the Veterans Administration Sanitary Sewer Relocation Project 00-3 SSES to Krapff-Reynolds Construction Company and identifying a funding source for the Lawton Industrial Park Sanitary Sewer Project (Alternate Bid). Exhibits: Bid Tabulation of August 29, 2000; 1995 CIP Reconciliation Report.

Ihler said funds were approved from the 1995 CIP to relocate the sewer line that crosses the proposed Veterans facility at the corner of Gore and Flower Mound Road. Bids were advertised, and during that process, Council authorized proceeding with design and adding into the project the sewer line to serve the proposed industrial prospect in the Industrial Park, which was just discussed in the previous item. Bids have been received for the two projects and the apparent low bid was Krapff-Reynolds in the amount of \$146,344.65, which is a very good bid. Funds are available to cover the base bid for the VA Center; however, funds have not yet been appropriated for the line to serve the proposed industrial site. Recommendation is to award the contract to Krapff-Reynolds for both projects and authorize an additional amount of funding from the 1995 CIP in the amount of \$80,000 to fund the alternate bid to serve the industrial site.

Shanklin said the bid is one-half of the amount shown as the engineer's estimate. He said the contractor is not working every day on the project on Lake and he asked Ihler if the firm performs adequately. Ihler said the firm is a very reputable contractor, has done several projects for the City and has always done a very good job. Shanklin asked the location of the C.W. Morgan firm and Ihler said he would have to check.

MOVED by Purcell, SECOND by Haywood, to award to Krapff-Reynolds with the total cost funded from the 1995 CIP. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA:

9. Consider a resolution authorizing the installation of traffic control devices at specified locations. Exhibits: Resolution 00-90; Excerpt of 8/17/00 Traffic Commission Minutes.

(Title only) Resolution 00-90

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Location: Install pedestrian crossing signs at the crosswalk on SW 5th Street in front of the YMCA.

#### ITEMS 10 AND 11 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

12. Consider denying a request for installation of traffic control devices at specified locations. Exhibits: Excerpt of 8/17/00 Traffic Commission Minutes. Action: Denial of request.

13. Consider approving a request for a left turn bay for an existing median opening for Regency Arms Apartments, No. 20 Mission Blvd. Exhibits: None. Action: Approval of request.

14. Consider acknowledging receipt of permits from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer and water lines with appurtenances to serve Bridwell Commercial Development. Exhibits: None. (Permits on file) Action: Acknowledge receipt of permits for WL000016000773 for 830 lf of 10" PVC plus 375 lf of 8" PVC water line and all appurtenances, and SL000016000774 for 804 lf of 8" PVC sanitary sewer line and all appurtenances to serve Bridwell Commercial Development.

15. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Michael D. Cargill in the Workers' Compensation Court, Case No. 2000-04785X. Exhibits: Resolution 00-91.

(Title only) Resolution 00-91

A resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of Michael D. Cargill for the amount of Fifteen Thousand One Hundred Twenty-Three Dollars and no cents (\$15,123.00) per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

16. Consider approving a Second Amendment to Lease Agreement between the City of Lawton, Oklahoma, and the Lawton Metropolitan Area Airport Authority and authorize execution of the Second Amendment. Exhibits: Second Amendment to Lease Agreement. Action: Approval of second amendment. Purpose is to delete the primary access road in to and out of the airport from the Airport Authority's leased area.

17. Consider approving a Road Dedication for the entrance and exit road at the Lawton-Fort Sill Metropolitan

Area Airport and authorize execution of the Road Dedication. Exhibits: Deed of Dedication. Action: Approve road dedication and authorize execution. Dedication includes the access roads from SW 11th Street to the airport terminal and back to SW 11th Street and two minor connector streets that extend between the entrance and exit roads.

18. Consider a resolution increasing the petty cash and change fund for the City of Lawton Municipal Court. Exhibits: Resolution 00-92.

(Title only) Resolution 00-92

A resolution authorizing an increase in petty cash for the City of Lawton, Municipal Court. (Increases amount to \$2,000.00)

19. Consider approving the plans for the construction of an offsite waterline improvement to serve Comanche Nation Casino along I-44. Exhibits: Site Plan. Action: Approve plans for construction of a 12-inch water line to serve Comanche Nation Casino subject to ODEQ permit.

ITEM 20 WAS CONSIDERED AS SHOWN BELOW.

21. Consider approving plans and specifications for the NW 23rd/26th Street Sewerline Upgrade (Phase I) 90-10 SSES and Wastewater Pollution Control Facilities Clean Water SRF Project No. ORF-98-015 CW and authorizing staff to advertise for bids. Exhibits: None. Action: Approve plans and authorize staff to advertise for bids.

22. Consider approving Change Order No. 1 for the Robinson's Landing Lift Station and Restroom Facility Construction Project #2000-5 with M.L. Young Construction Corporation. Exhibits: Action: Approval of item to include reinforced stem wall around restroom building; price increase is \$1,044.12; no additional days requested.

23. Consider accepting Town Hall Re-Roofing Project #2000-1 as constructed by Ford Roofing and Sheet Metal Company and placing the Maintenance Bond into effect. Exhibits: Map. Action: Approval of item.

24. Consider accepting Belmont Avenue and New York Street Improvements Project #2000-4 as constructed by T & G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: Map. Action: Approval of item.

25. Consider approving plans and specifications for the Flower Mound Road Waterline (24") Project #2000-36 and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval of item.

26. Consider approving Releases of Mortgage on residential properties belonging to Cleo Bradley, 1301 Pennsylvania; Greg Seabolt, 1812 NW Lake; Raymond R. Ross, 2740 SW "I" Avenue; and Randy and Cynthia Pickens, 1610 SW "C" Avenue, all located in Lawton, Oklahoma, and authorize execution of the Releases of Mortgage. Exhibits: None. Action: Approval of item.

27. Consider a lease agreement between the City of Lawton and Comtel Mainstreet PCS, L.P. for Antenna Space on Water Tower. Exhibits: None. (previously provided at Water Auth.) Action: Approval of item.

28. Consider a Revocable Permit to Tommy and Gloria Robertson for an access drive at Lake Ellsworth east of the dam. Exhibits: None. (previously provided at Water Auth.) Action: Approval of item.

29. Consider agreements between the Lawton Chapter of the National Society of Daughters of the American Revolution and the Jacob White David Chapter, United States Daughters of 1812 (USD 1812) and the City of Lawton for the loan of certain books, films, and other materials to be located in the Lawton Public Library. Exhibits: None. (Agreements on file) Action: Approval of item.

30. Consider approving the following contract extensions: A) Rental Equipment with ICM of Oklahoma City, C.L. Boyd Co., Inc. and TT Technologies, Inc.; B) Metal Products with Larrance Steel; C) Entry Level Tactical Body Armor with Patrol Technology. Exhibits: None. Action: Approval of item.

31. Consider awarding contract for Upgrade of HP3000. Exhibits: Memo; Abstract. Action: Award to Speedware Corporation.

32. Consider awarding contract for Liquid Chlorine. Exhibits: Memo; Abstract. Action: Award to DPC Industries, Inc.

33. Consider awarding contract for Thermoplastic Material. Exhibits: Memo; Abstract. Action: Award to Crown Technology II, LLC.

34. Consider awarding contract for Property Insurance. Exhibits: Memo; Abstract. Action: Award to Towe, Hester & Erwin, Inc.

35. Consider awarding contract for Trench Shoring System. Exhibits: Memo; Abstract. Action: Award to ICM of Oklahoma City.
36. Consider awarding contract for Steel Posts. Exhibits: Memo; Abstract. Action: Award to Unistrut Distribution Company (Items 1 & 2); Fence & Supply Store (Items 3 & 4); Vulcan Signs (Item 5)
37. Consider approving contract change order of Rental Equipment with SECOR to delete Item #7. Exhibits: Contract Change Order; Department Memorandums. Action: Approve change order to delete item seven, self-contained hydraulic fusion machine from the contract.
38. Consider awarding contract for Decontamination and Cleaning of Bunker Clothing. Exhibits: Memo; Abstract. Action: Award to Fire Brigade Manufacturing, Inc.
39. Consider awarding contract for Rental of Linen Service. Exhibits: Memo; Abstract. Action: Award to Quality Enterprises of Lawton, Inc.
40. Consider awarding contract for a Portable Lift Station. Exhibits: Memo; Abstract. Action: Award to ICM of Oklahoma City.
41. Consider approval of appointments to boards and commissions. Exhibits: Memo.

Commission of Status of Women: Betty Simmons, Ward 4, Term: 4/23/00 to 4/23/02

Arts & Humanities Council: Diana Brown, Term: 7/1/00 to 6/30/03; John Morris, Term: 7/1/00 to 6/30/03

42. Consider approval of payroll for the period of September 4 through 17, 2000. Exhibits: None.

Separate consideration was requested for Items 10, 11 and 20.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended with the exception of Items 10, 11 and 20. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

10. Consider a resolution establishing traffic controls on Fort Sill Boulevard southbound at approximately Elm. Exhibits: Resolution 00-\_\_\_\_.

Baxter said someone wishes to change the yield sign that is located approximately on the ramp at Fort Sill Boulevard and Elm into a stop sign. He said he did not agree with interrupting the traffic flow; it is very important that cars and trucks have a rolling chance to be able to merge with the traffic on Fort Sill Boulevard that is going 45 mph. Baxter said for a person in a larger truck with a ten-speed transmission, it would be impossible for him to stop at a stop sign and go through approximately six gears in the amount of footage from the stop sign to the entrance onto Fort Sill Boulevard and be going more than 20 mph with traffic coming from under the bridge on Fort Sill Boulevard going 45 mph. He said this would only cause some car to run into the back of a truck.

Hanna said the speed limit coming under the bridge is 35 mph, not 45; and there is a pedestrian crosswalk sign as traffic comes through there, and a new junior high is being built across the street so children from that area will be coming across that boulevard. He said the yield sign means little to nothing to most people coming through there, and they do not stop, yield or slow down. Hanna said a serious accident is likely to occur if something is not done. He said he went to the Traffic Commission with this in April and tried to get a stop sign, and he was told they could not put in a stop sign at the time because we did not own Fort Sill Boulevard. Baxter said he disagreed with that and had the minutes from the Traffic Commission. Hanna said since then he found out the City had been given Fort Sill Boulevard so the City could do as it pleased on signage, and not the State telling us what we could or could not do.

Purcell said this is another example of by-passing the Traffic Commission, and it should go back to them since we know we have the authority.

MOVED by Purcell, SECOND by Smith, to send this back to the Traffic Commission for their approval.

Baxter said it was taken to the Traffic Commission twice, he had the minutes and they made a recommendation; nowhere in the minutes did it say they did not believe the City owned the Fort Sill Boulevard ramp; it specifically states they would agree to put a larger yield sign at that location and not to change the yield sign to a stop sign. Hanna said they agreed to make the yield sign larger but not to put up a stop sign.

Devine said there will be a problem in allowing kids to cross the street, and if the kids are going to be allowed to cross, a stop sign will be needed. He said he did not feel kids should be allowed to cross there and someone will

eventually have to build a chain link fence or barrier to keep kids from crossing because it is six lanes of traffic. Devine said the yield sign should be adequate and a stop sign would be an advertisement for the kids to cross the street.

Hanna said he had brought that concern to Baker's attention and that some action will be needed as far as kids crossing the traffic. Mayor Powell suggested a cross over be built, if possible, where it comes into four lanes.

Baxter said he felt it would be a waste of time for it to go to the Traffic Commission again.

SUBSTITUTE MOTION by Baxter, SECOND by Devine, to deny the stop sign.

Purcell said the substitute motion would be doing the same thing, by-passing the Traffic Commission. Baxter said the Traffic Commission already denied it.

VOTE ON SUBSTITUTE MOTION: AYE: Moeller, Baxter, Smith, Devine. NAY: Hanna, Purcell, Shanklin. ABSTAIN: Haywood. SUBSTITUTE MOTION CARRIED.

Baker said we will be working with LPS as they construct the new junior high as far as the entire traffic flow in the area.

11. Consider a resolution authorizing the installation of traffic signs on the 1400 block of NW Hoover. Exhibits: Resolution 00-93.

Dan Tucker, Building Development, said the initial resolution submitted read no parking, stopping or standing on the north side of Hoover adjacent to Pat Henry School; the resolution has been corrected to read no parking, stopping or standing on school days from 7:30 a.m. to 4:00 p.m.

MOVED by Devine, SECOND by Smith, for approval of Resolution 00-93 as amended. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

(Title only) Resolution 00-93

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the city of Lawton, Oklahoma. Location: Install "No Parking, Stopping or Standing on School Days from 7:30 a.m.- 4:00 p.m." signs on the north side of the 1400 block of NW Hoover and "No Parking/Loading Only" signs on the south side of the 1400 block of NW Hoover.

20. Consider awarding a construction contract to T & G Construction Inc. for the NW 64th and Taylor Storm Drainage Project #2000-31. Exhibits: Location Map; Bid Tab.

Purcell said the low bidder has paid liquidated damages to the City on projects in the past, meaning they were over their time limit. He asked how many days they went over the allocated time. Ihler said they paid liquidated damages on the Larrance Street reconstruction project for being 34 days over, and they paid \$10,200 in liquidated damages.

Purcell asked if it is critical that the work on this project be completed in 60 days and if they can do it. Ihler said they feel they can get it done, the goal is to have it done by the end of the year and definitely before the spring rains. Purcell said the City is generous on the time specified.

MOVED by Purcell, SECOND by Smith, to award the contract to T & G Construction Inc. in the amount of \$58,855.00. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin said Mrs. Ellsworth, wife of former Mayor Ellsworth, passed away a couple of week ago.

Shanklin asked what happened to the big tractor at the landfill and if we are still paying for it and if it was working yet. Devine asked if it was the one they changed the wheels on that is working fine now. Ihler said the wheels were changed and it is working.

Shanklin asked if anyone ever wondered why Detention Reservoir B-1 was built, about 1/4 mile east of the one we spent \$1.5 million for 15 years ago, and it is an interesting story.

Smith said Kids Zone is having a tool raising event starting on Saturday at 8 a.m. at Greer Park and donations are welcome. Ground breaking ceremony will be October 1 at 4 p.m. and the ribbon cutting will be the following Sunday at 6 p.m., with the Mayor speaking at both events.

Baker said he will be attending OML in Tulsa on Wednesday, Thursday and Friday. He asked that Ihler report on

the 30" water line.

Ihler said on the evening of September 8, the North High Zone was put back in service after the second repair, then Saturday morning it was cleaned up and Tower Two Road was reopened. At 4 a.m. on Sunday morning, the third break occurred. The line is currently put back together. The third break was between the first and second breaks so new pipe was installed between the two breaks, 120 feet, or six 20' joints of pipe were replaced. The line will be filled tomorrow morning very slowly, and it will take two days to fill and flush the line. It will be put back in service on Friday as a gravity flow line. One cause of the problems may be air in the line. One cause of the first break may have been that crews repaired joint leaks and disturbed soil to do that so the shale soil surrounding and supporting the pipe was lost, so a combination of the age of the pipe, which is about 50 years old, the fact that it was originally designed for a gravity flow system and the disturbance of the soil around the pipe caused the first break. As it was placed back in service, there was air in the line causing a great deal of pressure on the pipe, and a combination of all of these factors caused the second and third breaks.

Ihler said the line has two inch air release valves, which were designed for gravity flow, but we have been pumping on that line for several years so the size of those valves needs to be increased to lessen the amount of water hammer. The new crew provided in this year's budget will be scheduled to replace the air release valves with larger ones. Staff's intent is to run the line for two days at gravity flow before returning to pumping on Sunday morning. Water pressures throughout town have been checked and the low zone areas are not as good as they would normally be, but the lowest area was 20-22 pounds near Sheridan Road and Rogers Lane.

Ihler said when crews were first replacing the joints, a rented track hoe was being used and a smaller one was rented than what was really needed as it was not an urgent project at that point. Water Distribution does not have adequate equipment to work on lines of this size. The rented equipment had a hydraulic leak during the first break so the sewer rehab equipment was used, which created a problem for the sewer rehab crews so yesterday a decision was made to rent a larger track hoe and loader and return the sewer rehab equipment for its intended use. Fatigue of the workers has also been a problem because it has been 240 hours, or ten days, that crews have been working almost continuously. Water demand has been excessive; last Tuesday was the highest day in history at 37.7 million gallons treated, and that was two days after the break.

Mayor Powell said he wanted to thank those who had worked long and hard hours making the repairs. He commended the citizens for understanding the problems and very few calls have been received.

Devine said Ihler mentioned the track hoe is being leased. He asked the costs for renting it per day, week or month. Ihler said the large track hoe leases for \$3,000 per week, \$1,000 per day or \$8,900 per month; one day is considered an eight hour period so it is \$3,000 to operate it full time for 24 hours. Devine asked if new cost figures were available. Ihler said they made some phone calls to get price quotes, and a new 330 track hoe, which is one size larger than the equipment in sewer rehab, would be \$211,000; one vendor has a used track hoe that had less than 2,000 hours and the price was \$164,000, and the price on the new loader is \$148,000.

Devine said we may need to look at purchasing a new track hoe because he understood there was about six months' worth of work to do out there, and if there are any more breaks, it will cost a lot to rent and use equipment 24 hours a day. Ihler said they will be replacing air release valves and there are many other joint leaks that are minor but are scheduled for repair over the next year. Ihler said a good question is how much a piece of equipment like that would be used, and there is a good six months worth of work on the transmission main and the sewer rehab program could work it almost every day. Ihler said the wet weather facility at the Wastewater Treatment Plant needs to be dug out and the holding basin expanded, which is an 8-10 months project where the equipment could be used. Devine asked if the \$164,000 equipment is the right size. Ihler said yes, it is a 330.

Purcell said he visited the site and at first the crews were using equipment with wheels, as opposed to tracks, and the arm would not reach down the needed 20 feet so it was taking twice as long. He said he was told there are about 30 leaks to repair over the next six months, most of which are very deep. Purcell said he felt the crews should be supported with the proper tools to do the job and it would seem cheaper to buy the equipment in the long run due to the rental costs and increased personnel cost from working with inadequate equipment.

Baxter asked what equipment had been used. Ihler said a 120 track hoe, then a 200 series track hoe from sewer rehab, and we are now leasing a 300 series track hoe. Baxter asked if a bid price was obtained for a new 200 series track hoe and if it would do the job. Ihler said it can go 20 feet down; it is a matter of the time and the size of the bucket, and the 200 series equipment worked about three times faster than the original equipment, then the 300 series cuts the time in half again. Ihler said sewer rehab bought the equipment about a year ago and it was \$162,000 for a new 200 series machine.

Shanklin said we are probably the only city in 200 miles that has not gone to some type of water conservation system. He said it is probably too late now but when breaks like this occur, an odd and even watering system should be considered to alleviate some of the strain.

Shanklin asked how close we are to getting the \$893,000 the Oklahoma Tax Commission has not sent that it should have. Baker said OML sent letters and Oklahoma City and Tulsa have sent letters to the Tax Commission demanding return of their funds, and an item will be on the next agenda to authorize request of return of the funds. Shanklin said we should go ahead and ask for what is due us and that would help with the purchase of the equipment being discussed. Baxter and Devine suggested a request be made in this regard now.

Baxter asked if funds were available in rolling stock to purchase a 200 series track hoe. Baker said the rolling stock funds are already appropriated in the budget and it is still early in the year so we do not know if we have any lapse funding, but if Council desires, he can work with Public Works on a report showing our needs, options, and what piece of equipment is needed, and return the item. Devine asked if the Council needed to direct that the Manager do that and Mayor Powell said direction was given.

Moeller suggested they take into account how fast the equipment can be delivered when looking at a purchase. Ihler recommended purchase of a 300 series track hoe, and a bid could be advertised for a machine with less than 2,000 hours that still had a remaining warranty. Ihler said regarding a delivery date, the time required for a new one was 60 days so an old one could be obtained much quicker.

VERBATIM:

Purcell: I've got a question. We got a thing from Brenda. We still need to set up a date, she asked us to be prepared tonight to set up a date to meet in a joint meeting with the Cemetery Board. Can we set that up tonight...

Mayor: Well, I've looked at the 19th and the new president of Reliant ARKLA will be in town and I've got a commitment there. If you all want to meet, well meet.

Purcell: If he's not there, the 19th, 20th and 22nd.

Shanklin: (inaudible) if you have a problem with it, go out there and settle it, then bring it back.

Purcell: The Cemetery Board asked if we would have a joint meeting. Now, they don't have to do it, we don't need to give our approval, if we want to just tell them do what you want, which they have the right to do under state and city law, is that the thing of the Council, then we don't need to meet and we don't need to do anything. They just go and do what it is they want to do but they wanted to give us the courtesy because they figure we're going to get the phone calls.

Shanklin: Well they did here.

Purcell: If you don't want a meeting, I'll tell them they don't need a meeting.

Shanklin: You can have the meeting, I just don't understand, I think it's redundant. They told us what they want to do and I understood you that went out there understand their problem and now you don't have the same attitude towards it that you did whenever they proposed it. Am I wrong there?

Purcell: That's only two of us.

Shanklin: But I could go with you, I think the two of you are, I accept your, whatever you, I accept your recommendation. I have no problem with it.

Purcell: If that's what the Council wants then all we do is tell the Cemetery Board get on with what they're doing because they don't need to bring it to us, under the ordinance they just put it in effect.

Mayor: Who all volunteered to sit on that committee? Barbara and John?

Purcell: Barbara and I went out and met with them for about two hours and they asked to have a meeting, if we could have a meeting just so they could show the rest of the Council, but subsequent to that we've found that they don't even have to bring it to Council. They did it as a courtesy and we can just tell them, if Council agrees, we agree with what you want to write, go do it.

Devine: Mayor, I think he's right in what he's saying but I kind of agree with Bob. I don't think we need to go out there and start trying to tell them what to do because they've got their rules and regulations to go by to start with and we can't overrule them to start with so I think we ought to take John and the three committee and accept their recommendation.

Mayor: Is that the feeling of Council?

Purcell: Then the three of us will contact the Cemetery Board and tell them the Council agrees, do what you originally planned to do.

Shanklin: I have no problem with that.

Devine: We couldn't change it anyway, could we?

Purcell: No, but they wanted our input in case we, they didn't want to lock it in concrete if we disagreed.

Mayor: Will you all meet with them and bring a report back to the Council?

Purcell: Sure.

Shanklin: Mayor, we know those gentlemen that sit on that board, they're honorable people. They're not going to do something just crazy.

Mayor: All right, good, that takes care of that then.

(end of verbatim portion)

Mayor Powell said the National League of Cities requested a voting delegate and alternate voting delegate. He asked for Council input and direction, and it was agreed that Moeller will serve as the voting delegate, and Purcell will serve as the alternate voting delegate.

#### BUSINESS ITEMS:

43. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

44. Pursuant to Section 307B3, Title 25, Oklahoma Statutes, consider convening in executive session to receive a briefing from GBA Architects on the status of Fire Station #5 relocation project, and if necessary, take appropriate action in open session. Exhibits: None.

45. Pursuant to Section 307B3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property in the vicinity of Greer Park on 38th Street, and if necessary, take appropriate action in open session. Exhibits: None.

Addendum: 3. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss potential action between the City of Lawton and "S" Construction, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Baxter, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:38 p.m. and reconvened in regular, open session at 9:45 p.m. with roll call reflecting all members present except Shanklin, who did not return to the meeting.

Vincent reported that pursuant to Section 307B4, Title 25, Oklahoma Statutes, we convened in executive session to discuss potential action between the City of Lawton and "S" Construction. He said this was discussed and staff recommendation is that Council approve a change order to bring it into compliance.

MOVED by Purcell, SECOND by Baxter, to approve the change order. AYE: Devine, Purcell, Moeller, Haywood, Baxter, Hanna. NAY: None. ABSTAIN: Smith. MOTION CARRIED.

Vincent reported that pursuant to Section 307B.2, Title 25, Oklahoma Statutes, we convened in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton. He recommended a motion to await the Union's response to the City's offer, with the response to be received no later than close of business on September 15.

MOVED by Smith, SECOND by Baxter, to await the Union's response to the City's offer, with the response to be received no later than close of business on September 15. AYE: Purcell, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

Vincent reported that pursuant to Section 307B3, Title 25, Oklahoma Statutes, we convened in executive session to consider the architectural plans and the status of Fire Station #5 relocation project, including site designation. Staff recommended they be directed to approach the owners of sites five and seven concerning the cost of acquisition.



MOVED by Purcell, SECOND by Smith, to approach the owners of sites five and seven concerning the cost of acquisition. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

Vincent reported that pursuant to Section 307B3, Title 25, Oklahoma Statutes, we convened in executive session to discuss the acquisition of property in the vicinity of Greer Park on 38th Street. He recommended a motion that the Council is agreeable to the recommendation of the Erwin family and the AMBUCS donation and the conditions placed thereon, with one condition being that the City provide street access not to exceed \$16,000 and sewer line access not to exceed \$10,000, for a total of \$26,000 out of the 1995 CIP. Smith said this is a street that the citizens will also be using and not a street we are giving away.

MOVED by Devine, SECOND by Hanna, that the Council is agreeable to the recommendation of the Erwin family and the AMBUCS donation and the conditions placed thereon, with one condition being that the City provide street access not to exceed \$16,000 and sewer line access not to exceed \$10,000, for a total of \$26,000 out of the 1995 CIP. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:55 p.m. upon motion, second and roll call vote.